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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,459	12/26/2001	Sherwin S. Chen	BOIE-1-1037	5650

7590 05/07/2003  
Robert R Richardson  
Black Lowe & Graham  
816 Second Avenue  
Seattle, WA 98104

EXAMINER

SWARTHOUT, BRENT

ART UNIT	PAPER NUMBER
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2632

DATE MAILED: 05/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ 10/ CONTROL NO. 019,459	FILING DATE 12-26-01	FIRST NAMED INVENTOR / <del>PATENT IN REEXAMINATION</del> Chen et al.	ATTORNEY DOCKET NO. BOE-1-1037
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EXAMINER

Swarthout

ART UNIT

PAPER

2632 4

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Commissioner for Patents

The preliminary amendment filed 12-26-01 was improper. Applicant attempted to replace claims 2-4 with new claims and to renumber claims 2-4 as new claims 10, 12 and 18. Since the amendment was improper, only original claims 1-4 are pending in the application. Newly filed claims should have been numbered consecutively from the next highest claim, which would have been claim 5. Since the restriction requirement was based on the assumption that claims 1-18 were properly filed, the response to the restriction is improper. If applicant wishes to expedite prosecution, it would be acceptable in responding to this action to cancel any appropriate nonelected claims, and to have any elected claims properly numbered.

Applicant is given one month to respond to this action.

Brent A Swarthout  
Examiner  
Art Unit: 2632

**BRENT A. SWARTHOUT**  
**PRIMARY EXAMINER**